

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

ALBERTO PATINO,  
MARIA DEL ROSARIO MARTINEZ,  
MARIA MARI,  
RODOLFO R. TENREIRO,  
PATRICIA GONZALES,

Plaintiffs,

V.

Civil Action No. 4:14-cv-03241

CITY OF PASADENA,  
Mayor JOHNNY ISBELL,  
Council members ORNALDO YBARRA,  
BRUCE LEAMON, DON HARRISON,  
PAT VAN HOUTE,  
CODY RAY WHEELER, PHIL CAYTEN,  
STEVE COTE, and  
DARRELL MORRISON,

Defendants.

**JOINT MOTION FOR ENTRY OF AN AGREED  
PROTECTIVE ORDER REGARDING POLITICAL COMMITTEE  
AND POLITICAL CONSULTANT DOCUMENTS AND  
FOR AMENDMENT OF SCHEDULING ORDER**

Plaintiffs and the Yates Company, Citizens for Positive Change, and Citizens to Keep Pasadena Strong in the above-captioned case hereby respectfully move this Court for the entry of an agreed Protective Order, attached as Exhibit A. Plaintiffs and the Yates Company, Citizens for Positive Change, and Citizens to Keep Pasadena Strong have agreed to the attached Protective Order. The Yates Company, Citizens for Positive Change, and Citizens to Keep Pasadena Strong will produce documents subject to the Protective Order immediately after the Court enters the Order. Plaintiffs also respectfully request that the Court extend all scheduling order dates by sixty (60) days beyond the date of production by the Yates Company, Citizens for Positive Change, and Citizens to Keep Pasadena Strong.

On February 10, 2016, the Court indicated that it would order Citizens for Positive Change, the Yates Company, and Citizens to Keep Pasadena Strong to produce documents requested by Plaintiffs through non-party subpoenas. *See* February 10, 2016, Hearing Transcript (attached as Exhibit B).

Although the Yates Company, Citizens for Positive Change, and Citizens to Keep Pasadena Strong had asked the Court to quash Plaintiffs' subpoenas on First Amendment grounds, the Court ruled that some of the requested documents do not implicate the First Amendment privilege and thus must be produced. Those documents include: copies of invoices to the political action committees, with the amounts redacted (labelled CKPS 83-91); and emails, advertisements and other documents labelled Yates 234 to 255. *See* February 10, 2016, Hearing Transcript at 4:16 – 5:11; 5:12-9:24. The Yates Company, Citizens for Positive Change, and Citizens to Keep Pasadena Strong produced to Plaintiffs these documents on March 11, 2016, and they are not subject to the Protective Order.

The Court further ruled that to the extent that the Yates Company, Citizens for Positive Change, and Citizens to Keep Pasadena Strong had made a prima facie showing of a First Amendment privilege, that showing was overcome by Plaintiffs' interest in obtaining the disclosures and thus the documents should be produced pursuant to a protective order limiting the use of the information to the lawsuit. Tr. 18:5-19:11; 19:12-20:2; 20:15-21:1; 26:9-27:5; 28:3-22. These documents have yet to be produced, as the parties have negotiated the terms of the protective order.

At the hearing, Plaintiffs and Defendant then conferred and asked the Court for an amended scheduling order to allow the parties to review and take additional discovery, if necessary, on the documents produced by the Yates Company, Citizens for Positive Change, and Citi-

zens to Keep Pasadena Strong. After Plaintiffs and Defendant agreed on an extension of 60 days beyond production of the documents, the Court entered an amended scheduling order on February 12, 2016. *See* Dkt. 55. However, because of the delay in production, Plaintiffs ask that the Court amend the Scheduling Order to extend all dates sixty (60) days past the date of production by the Yates Company, Citizens for Positive Change, and Citizens to Keep Pasadena Strong.

Dated: March 15, 2016

Respectfully submitted,

/s/ Nina Perales

Nina Perales

Attorney-in-charge

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CERTIFICATE OF SERVICE

The undersigned counsel hereby certifies that she has electronically submitted a true and correct copy of the above and foregoing via the Court's electronic filing system on the 15th day of March, 2016.

/s/ Nina Perales  
Nina Perales